

**MINUTES OF THE PLANNING BOARD REGULAR MEETING OF PISCATAWAY TOWNSHIP HELD ON AUGUST 11, 2021.**

The Regular Meeting of the Piscataway Planning Board was called to order at 7:30 P.M. on Zoom (online), Piscataway, New Jersey by Chairperson Smith.

Chairperson Smith stated: IN COMPLIANCE WITH THE OPEN PUBLIC MEETING ACT, ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED IN THE FOLLOWING WAYS:

- \*Posted on the bulletin board of the Municipal Building and made available through the Township Clerk;
- \*Notice published in the Courier News;
- \*Notice sent to The Star Ledger;
- \*Notice made available through the Township Librarians.

Thomas Barlow, Esq., states that he would like to place on the record that we are doing this meeting through an online meeting platform in light of the COVID-19 pandemic. In keeping with the guidelines that have been disseminated by the Department of Community Affairs, the Planning Board has tried it's best to comply with the open public meeting act and the Governor's guidelines in dealing with the current situation. In addition, the applicant whose matter will be heard this evening had the login information for the online meeting platform put forth in their notice; members of the public who wish to be heard will be afforded an opportunity as if we were in an actual, physical space. He believes we have done our absolute best to comply with the DCA guidelines and the open public meetings act.

**ROLL CALL:** Mayor Wahler, Councilwoman Gabrielle Cahill, Dawn Corcoran-Gardella, Carol Saunders, Dennis Espinosa, Rev. Henry Kenney and Chairperson Brenda Smith.

**ABSENT:** Michael Foster

**Also present:** Thomas Barlow, Esq., Laura Buckley and Steve Gottlieb, PP

It was determined that a quorum was present by roll call.

- 4. PLEDGE OF ALLEGIANCE**
- 5. SWEARING IN OF PROFESSIONALS:** Steven Gottlieb, CME Associates
- 6. CHANGES TO THE AGENDA:** Mr. Barlow states that application 20-PB-06, Nathan A. Yates, has been postponed until September 1, 2021.
- 7. ADOPTION OF AMENDED RESOLUTION TO MEMORIALIZE ACTION TAKEN ON JULY 14, 2021:** N/A
- 9. ADOPTION OF THE MINUTES FROM THE REGULAR MEETING OF JULY 14, 2021.**

**MOTION** was made by Carol Saunders to memorialize the minutes from the July 14, 2021 meeting; seconded by Rev. Kenney. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran-Gardella, Dennis Espinosa, Carol Saunders, Rev. Kenney and Chairperson Smith voted yes on the motion.

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**MINOR SUBDIVISION**

**9. 21-PB-15**

**Abdul & Shazia Basit**

**Minor Subdivision**

**Block 11317, Lot 4.01, 28, 29.01; Zone: R-15**

**500 Hoes Lane West**

Applicants would like to subdivide the property.

**MINOR SUBDIVISION**

**VARIANCES REQUIRED:**

**No variances are required at this time.**

\*There is a moratorium on the roadways abutting both proposed homes.

**Action to be taken prior to October 8, 2021**

Mr. Basit is sworn in to testify. Paul J. Fletcher, PP, is sworn in to testify. Mr. Fletcher's credentials are accepted by the Board. Mr. Fletcher states that the property is known as lots 4.01, 28 and 29.01 and block 11317. It is a parcel that has dual frontage, it has frontage on Hoes Lane and also on Morris Avenue extension. It is in the R-15 zone, single family, it has a total area of 30,762 square feet. The applicant proposes to consolidate the three lots and then subdivide it into two conforming lots. Each lot would be in access of 15,000 square feet. Specifically, 15,435 for the lot facing the Morris Avenue extension and 15,327 square feet with frontage on Old Hoes Lane.

The owner proposes to construct a single family dwelling on each of the properties with access to the roads that they front on. Mr. Fletcher states that the home that fronts on Morris Avenue, the driveway will be a circular driveway with the entrance coming on the north side. The put in a circular drive because they thought it would be safer for the occupants of that dwelling to enter and exit and not having to be concerned to back up on to Morris Avenue; quite a busy road. Both lots are fully conforming, all bulk standards are being met with regards to lot, area, etc. The setbacks for the building are fully conforming and there are no accessory structures proposed. There are no variances associated with the application.

Mr. Fletcher states that there are a couple of reports. Staff report dated August 4, 2021; applicant understands that both Hoes Lane and Morris Avenue are currently under a moratorium. Once until 7/23/22 on Old Hoes Lane and 11/23 Hoes Lane West. The applicant acknowledges and understands that they are under the moratorium. Street trees, the applicant will revise the plans to suit the needs of the Town. Middlesex County letter, Mr. Fletcher believes that they just received it today and will forward a copy to the Township for the file; exception letter.

D & R Engineering, Charles Carley, they will comply with all the comments. Mr. Fletcher states that they are in compliance with the stormwater regulations, seepage pits for the homes and installing sidewalks on both frontages. In reference to the CME reports, there is only one comment that they would take exception to which is on page 6, paragraph f, it requests that they base the driveway access to a single curb cut at the south end of the property. He would urge the Board not to require them to do that, the reason being as mentioned before, they are quick a distance from the stop bar and the other problem is there is quick a difference in vertical grade from the highest to the lowest, about 9 feet. To come in at the low end it would come in at the most lowest part of the property, it would be difficult for the garage; they would like to construct the property as submitted to the Board.

Mr. Fletcher states that there are no variances requested, it's a conforming subdivision. The only other point is that there is an easement across on Hoes Lane for sewer and gas. The easement is shown on the

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north side, they would like to move the easement to the south side of the property because it is at a lower elevation and would be easier to connect to the utilities on Hoes Lane. They have eliminated the driveway easement originally requested, so they would like to put the easement on the other side.

Mr. Barlow asks Mr. Gottlieb if he would like to address Mr. Fletcher's comments about the curb cut. Mr. Gottlieb states that his thought was to eliminate two curb cuts on a busy road, but he will defer to the Engineer's, Mr. Carley and Mr. Herrera as far as their thoughts. Ms. Corcoran states that she spoke with Mr. Herrera and Mr. Hinterstein in reference to the utility easements, they do not have an issue with the utilities running through the easement. Mr. Barlow states that in reference to the curb cuts and the utility easement, they will leave it up to the professionals as to the locations; Mr. Fletcher agrees.

Chairperson Smith asks the Board if they have any further questions. Mayor Wahler asks in reference to the utility easements, his only concern is that they have been getting a lot of requests to run fences and sheds over easements. Can there be a deed restriction so there can be no sheds, decks or fences in the easement. Mr. Barlow asks Mr. Fletcher is that would be acceptable; Mr. Fletcher states that the applicant would agree to no decks and sheds in the easement, but to have no fence cross an easement, most fences are in 8 foot sections and can be easily removed. To restrict a fence would be not necessary, the deed could state that it is up to the owner to remove and replace if necessary.

Mayor Wahler states that the owner changes hands and the new owner doesn't understand that they are responsible for the easement and not the Town. He is trying to avoid issues in the future. Mr. Barlow states that as a condition, a deed restriction to the satisfaction of the Township so that future homeowners are aware. Mr. Fletcher states that he the easement would be just a utility easement and the Town would have nothing to do with that and have no obligation (the Town) to repair or make good. Mr. Gottlieb states that prevent the entire issue and just eliminate the need from the easement and just connect the utilities from the street. Mayor Wahler states that there are no utilities on that frontage.

Public portion open: #1 Ronald Reeder, 600 Hoes Lane West, is sworn in. He states that he lives next door and his only concern is flooding, the back of his property floods now. Mr. Fletcher states that they are installing seepage pits for the water runoff. The Township professionals will ensure that there isn't a problem with the runoff. Public portion closed.

**MOTION** was made by Councilwoman Cahill to approve the approved the application; seconded by Ms. Corcoran. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran-Gardella, Dennis Espinosa, Carol Saunders, Rev. Kenney and Chairperson Smith voted yes on the motion.

**SITE PLAN**

**11. 20-PB-02**

**Skiles Ave & Sterling Dr. Urban Renewal, Powerback  
Preliminary & Final Site Plan  
Block 10402, Lot 2.04; Zone: SNF  
10 Sterling Drive**

Applicants would like amend prior site plan approval to include long term care.

**VARIANCES REQUIRED:**

**No variances are required at this time.**

**Action to be taken prior to November 6, 2021  
Attorney: William F. Harrison**

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William Harrison, Attorney, is here to represent the applicant. Mr. Harrison states that this is an application to allow the facility to accept both long term care and short term care patients. When it was originally approved by the Board, a question was asked as to whether the facility will be accepting long term care patients, the answer was yes and the Board took the view that they couldn't accept long term care patients. They were approved for 98 out of the 124 beds for long term care; they will put on testimony tonight as to why they would like all 124 beds to be labeled for long term care.

Mr. Harrison states that the facility will remain as an overwhelmingly short term care facility, but will give an explanation how some short term care patents become long term care patients for Medicare/Medicaid billing reasons. He has two witnesses, one is a representative of the applicant and the other is their engineer. Wanda Mercado is sworn in. She has works in this facility one year and 8 months; she is the administrator for the building. She has worked in the industry for over 20 years; this facility has been in operation four years this November. Ms. Mercado states that they are strictly short term skilled rehab services. Promedica Senior Care took over on April 1, 2021 from the original applicant who was Genesis.

Mr. Harrison states that Ms. Mercado was first hired by Genesis but now works for Promedica; she agrees. Ms. Mercado states that a short term care patient is there to receive skilled nursing services and the main goal is to go back home. A long term care patient is more custodial, they will be coming in and need 24 hour nursing assistance, typically and the normal functions, eating, dressing, etc. The same type of care, but the goals are different. Short term is the goal to go home and the long term goal is to stay in the facility for 24 hour nursing services. The facility only accepts short term patients; the only time they would stay longer is if their disposition changed while there. Someone who comes in for a short term stay or rehab and the family realizes that they are not capable of going home or their baseline has changed, they would then need long term care placement. They will retain their care here until they are able to place them in another facility.

Ms. Mercado states that long term care patients does not have any impact on current operations. She states that a long term care patient would require less needs, they wouldn't need all of the clinical than the short term patients need. It is clinically less complex for long term care. Mr. Harrison asks about the effect on Covid-19 at the facility. Ms. Mercado states that unfortunately they have had a large decrease of patients, they are running at about 40% capacity. They are hoping that post pandemic they will return back to their census.

During capacity they would average about 120 staff members a day, maybe about 80-85 on the day shift; they are at half of that right now. Mr. Harrison asks if there are more long term care patients than short term, does that increase the amount of staff. Ms. Mercado states that long term care actually uses less staff. They could take care of 1 to 3, where right now it's 1 to 10 and there would also be less staff in the building, we would not have a need for so many clinicians. We run an average of 5 or 6 clinicians a day because there are high quality short term patients and have multiple physician specialists coming in and if there was long term care we wouldn't have that need.

Mr. Harrison states that at the last approval the Board allowed the facility to have 98 beds and when Ms. Mercado arrived there was 108 beds. There were actually approved for 124 beds by the Board. Ms. Mercado states that 108 beds were licensed for long term care when she arrived. The total beds now are 124. The licenses all of the 124 beds for long term since the process takes a long time. In reference to parking, Ms. Mercado states that there are approximately 112 spaces. In the prior application they had a provision for overflow parking at Sterling Village which is directly behind the facility. They were approved for about 30 parking spaces; there was an easement obtained.

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Mr. Harrison states that Menlo Engineering had been going out and do a parking study that had been requested by the Board but after Covid hit, there was not a chance to do it. He had Ms. Mercado to go out and do a survey during daytime hours to see available parking. Ms. Mercado states that she did it twice, once in the morning and once in the afternoon. Not no point where did they not have parking spaces available, in fact, there were many available. She can see everything from her office and states that in the time she has been there, there are always parking spaces available. There would be far less visitors if there are more long term patients; they are visited at night or on the weekends.

Chairperson Smith asks the Board if they have any questions. Rev. Kenney states that he lives on 1 Sterling Drive right next door and he visits the facility quite a bit. He states that there are times when the parking lot is full, that is his concern. Ms. Mercado states that there is not a time when the parking is full. Since she has been there, they have never had to use the overflow parking and there is parking on the side of the building which is around the corner.

Councilwoman Cahill states that this application is for approval for long term care correct? Mr. Harrison states that it's for long term care patients to be there, not to be a long term care facility. Councilwoman Cahill asks about the licensing for the beds; if they have it, is this just a formality at this point. Ms. Mercado states that all of the beds are dually certified which means that are certified for long term and short term care patients, they have always been since the building opened. They are licensed for Medicare and Medicaid. They were told they could not house long term patients in the facility because they are short term care, we only accept short term care patients. But there are instances where someone may stay long term care until they can find placement for them if they can't return home. The concern is about the parking if we have long term care patients but in explaining we would have more parking if we have long term patients. The intent of the facility is to place that person into long term care facility.

Mr. Barlow states that in the prior resolution it states for short term use only. Because they want to be able to house long term patients, it is a change of use and come back in front of the Board to add long term with the short term they wouldn't be in violation of the prior resolution; Mr. Harrison agrees. Mr. Barlow states to Rev. Kenney since he does live that close, he would have to recuse himself from the vote when taken; Rev. Kenney agrees. Chairperson Smith asks if there is an amount of time that someone stays in the long term; what is the time limit. Ms. Mercado states that there is not a time, typically it would only be about 30 days or a little longer; the goal is to always find them another facility. It has been harder during Covid, we have more here longer since the pandemic so the families don't want them moved yet since they are all private rooms. Public portion open/closed.

William Lane, Menlo Engineering, is sworn in to testify; he is accepted by the Board. Mr. Lane states that he is familiar with the plans and variances. There were three variances granted in the prior application. The first being the number of beds where 115 were allowed and 124 were granted. The size of the parking spaces where 10 x 20 were required and were approved for 9 x 18. The third was that they were required to have 3 loading spaces and two were provided. The site was constructed as per those plans.

Mr. Lane states that the center of the property is a three story about 87,000 square foot skilled nursing facility. The site has an entrance off of Skiles Avenue which is the main entrance with a circular driveway that goes all the way around the building; off that drive is the 112 parking spaces. Off to the northern side of the building as you come off of Skiles is the main entrance that has a drop off area and has an emergency access path. There is a detention basin off of Sterling drive to help with the flow on the site. There is an agreement next door with Sterling Village for any additional overflow parking; there is an access pad there also if needed.

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Mr. Lane states that there can be a line run for electric parking spaces; the spaces would remain the same. They have an application in front of Middlesex County Planning Board they are just waiting to finalize the stormwater agreement. Chairperson Smith asks if there are any questions from the Board, seeing none, she opens it to the public. Public portion closed.

**MOTION** was made by Councilwoman Cahill to approve the approved the application; seconded by Ms. Corcoran. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran-Gardella, Dennis Espinosa, Carol Saunders and Chairperson Smith voted yes on the motion.

**SITE PLAN**

**12. 21-PB-18/19V Core Development Group  
Preliminary & Final Site Plan; Bulk Variance  
Block 5002, Lot 1.03; Zone: LI-5  
365 South Randolphville Road  
Applicant proposes to install solar carports.**

**VARIANCES REQUIRED:**

**21-501** Required – 100 foot front yard setback for an accessory structure  
Proposed – 30.35 foot front yard setback for an accessory structure (S. Randolphville Road) (solar canopy)  
Proposed – 82.80 foot front yard setback for an accessory structure (Centennial Avenue) (solar canopy)

**21-1014.4(f)** Required – maximum height of a structure supporting solar panels is 10 feet  
Proposed – canopies 22 feet in height

\*The applicant must comply with the electric vehicle charging station ordinance or an additional variance will be required.

**Action to be taken prior to November 4, 2021  
Attorney: Dana Hall**

Dana Hall, Attorney, is here to represent the application. Transcripts are on file in the Community Development Office.

**MOTION** was made by Rev. Henry Kenney to approve the approved the application; seconded by Councilwoman Cahill. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran-Gardella, Dennis Espinosa, Carol Saunders, Rev. Kenney and Chairperson Smith voted yes on the motion.

**SITE PLAN**

**13. 21-PB-20/21V Core Development Group  
Preliminary & Final Site Plan; Bulk Variance  
Block 5002, Lot 1.03; Zone: LI-5  
3 Corporate Place  
Applicant proposes to install solar carports.**

**VARIANCES REQUIRED:**

**21-501** Required – 100 foot front yard setback for an accessory structure  
Proposed – 29.05 foot front yard setback for an accessory structure (Corporate Place) (solar canopy)

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**21-1014.4(f)** Required – maximum height of a structure supporting solar panels is 10 feet  
Proposed – canopies 22 feet in height

Required – structures supporting solar panels in parking lots shall not cover any parking access aisles

Proposed – solar canopies covering the parking access aisles

\*The applicant must comply with the electric vehicle charging station ordinance or an additional variance will be required.

**Action to be taken prior to November 4, 2021**  
**Attorney: Dana Hall**

Dana Hall, Attorney, is here to represent the application. Transcripts are on file in the Community Development Office.

**MOTION** was made by Councilwoman Cahill to approve the application; seconded by Rev. Henry Kenney **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran-Gardella, Dennis Espinosa, Carol Saunders, Rev. Kenney and Chairperson Smith voted yes on the motion.

**14. DULY AUDITED BILLS TO BE PAID**

**MOTION** was made by Councilwoman Cahill to pay the bills; seconded by Carol Saunders. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, Carol Saunders, Dennis Espinosa, Rev. Kenney and Chairperson Smith.

**15. ADJOURNMENT: MOTION** made by Rev. Henry Kenney to adjourn; seconded by Ms. Corcoran; All in favor. The meeting was adjourned at 9:24 P.M.

**NEXT SITE PB/WORKSHOP BOARD MEETING – AUGUST 25, 2021 AT 2:30 P.M.**  
**NEXT PLANNING BOARD REGULAR MEETING – SEPTEMBER 1, 2021 AT 7:30 P.M.**

Respectfully Submitted,

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Laura A. Buckley  
Planning Board Clerk for Carol A. Saunders, Secretary

**I certify that the foregoing is a true and correct copy of the Minutes of the Regular Meeting of August 11, 2021, same having been fully adopted by the Planning Board of Piscataway on September 1, 2021.**

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Carol Saunders, Secretary  
Piscataway Township Planning Board